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ABSTRACT

The report examines law-related education materials and programs in the United States and evaluates roles played by various agencies and institutions in law-related education. The document consists of an introductory summary and six subsequent chapters. Chapter I defines the purpose of the Study Group on Law-Related Education as summarizing the condition of law-related education and proposing options for the United States Office of Education (OE) in the field. Chapter II characterizes law-related education as education to promote knowledge and understanding of the law, legal processes, and the legal system, and to enable people to be more informed and effective citizens. Chapter III presents an overview of law-related education as a separate course of study and as an integral part of civics, social studies, history, home economics, and business education. Chapter IV reviews federal support of law-related education. The final chapter presents recommendations for OE including that it should fund law-related education activities such as teacher preparation, educational conferences, research and evaluation, limited curriculum development, and coordination with other agencies. Appendices, which conclude the document, include summaries of national law-related education projects. (DB)

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FINAL REPORT OF

THE STUDY GROUP ON LAW-RELATED EDUCATION

U.S. OFFICE OF EDUCATION

September 1, 1978

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Joseph A. Califano, Jr., Secretary
Mary F. Berry, Assistant Secretary for Education
Office of Education
Ernest L. Boyer, Commissioner

SP-011478

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September 1, 1978

To: Dr. Ernest Boyer
U.S. Commissioner of Education

I am pleased to submit the final report of the Office of Education's Study Group on Law-Related Education which John Ellis appointed on your behalf in November, 1977.

The Study Group has examined the condition of law-related education in the United States: its growth (and the roles which various agencies and institutions have played in that growth), value, and needs. We have surveyed the extent to which the Office of Education (OE) and other Federal agencies are supporting law-related education. Based on our study, the Group is recommending that the Office of Education assume a leadership role in promoting law-related education. Our report sets forth a strategy to do this.

We know that many educational ideas and approaches compete for recognition and funding by the Office of Education. It obviously is very difficult to choose among them in allocating OE's limited resources. However, there is a serious lack of understanding among youth and adults about law and the legal system. This significantly impairs their ability to function effectively as citizens in a complex society and endangers our democratic system of government and our system of justice. The Study Group believes strongly that law-related education represents an exceptional opportunity for OE to exercise leadership im promoting education for elementary and secondary school students which responds directly to their functional needs as citizens and motivates them.

Law-related education has experienced growth, and there are some highly regarded programs and materials. However, OE leadership and financial support are needed at this time if law-related education is to reach a significant percentage of students and become a basic element in the curriculum of elementary and secondary schools.

In the interest of brevity, the Study Group has generally omitted exhaustive documentation from the report. However, the Study Group has carried out considerable research and has additional specific information which we would be happy to supply if you wish to focus more closely on specific areas covered in the report.

The Study Group would be pleased to meet with you to discuss the report and also to arrange for presentations by or discussions with leaders in the field. To give you a more concrete understanding of law-related education, we also are providing to you under separate cover samples of law-related education materials that are used by teachers and students.

As you may know, all members participated on the Study Group on a part-time basis. Notwithstanding the pressures of regular job assignments, members invested substantial time and effort in the Study Group's work. The interest and quality of contributions by other members of the Group made my job as chairperson a delightful experience.

The Study Group is grateful for their support and counsel to John Ellis, the Executive Deputy Commissioner for Educational Programs, and to Eugene Eidenberg, formerly Deputy Under Secretary of the Department and now Deputy Secretary to the Cabinet and Deputy Assistant to the President for Intergovernmental Affairs. I personally wish also to thank Ted Sky, the Assistant General Counsel for Education, and Peter Libassi, the General Counsel, for their moral support and for permitting me to undertake this assignment in addition to my regular responsibilities for providing legal advice to the Office of Education.

The Study Group wishes to emphasize that whatever quality is in the report is due primarily to the outstanding cooperation and contributions of leaders in the field of law-related education. Several, but by no means all, of them contributed to the memorandum submitted by the American Bar Association attached as Appendix E and are cited there.

In closing, let me express the hope of the Study Group's members that this report will be useful to you and that it will contribute to the development of a significant OE role in law-related education.

Steven Y. Winnick
Chairperson

U.S. OFFICE OF EDUCATION STUDY GROUP

on

LAW-RELATED EDUCATION

MEMBERS

Anson, Ronald
Basic Skills Group, National Institute of Education

Arnot, Robert
Education Division, Office of General Counsel, HEW

Edelstein, Fritz
Office of Policy Studies, Office of Education

Farquhar, Elizabeth
Citizen Education Staff, Office of Education

Griffin, Ella
Bureau of Elementary and Secondary Education, Office of Education

Hulten, Burma
Office of Planning, Budgeting, and Evaluation, Office of Education

Lovett, Charles
Teacher Centers Program, Office of Education

McGrath, Fredrick
Office of Juvenile Justice and Delinquency Prevention,
Department of Justice

Mahoney, Theresa
Bureau of Elementary and Secondary Education, Office of Education

Narayanan, Jean
Division of Education Replication, Office of Education

Rosenfelt, Philip
Education Division, Office of General Counsel, HEW

Russell, William
Division of Education Programs, National Endowment for the Humanities

Winnick, Steven
Chairperson, Study Group on Law-Related Education
Education Division, Office of General Counsel, HEW

CONTENTS

Summary of Report viii

I. The Study Group on Law-Related Education 1

II. Scope of Law-Related Education 1

III. Condition of Law-Related Education..... 2

A. Growth and Characteristics..... 2

B. Institutional Roles in Growth of Law-Related Education..... 3

C. Needs in Law-Related Education..... 5

IV. Existing Federal Support of Law-Related Education..... 7

A. OE Has Provided Very Limited Support for Law-Related Education..... 7

B. Status of Other Federal Support of Law-Related Education..... 9

V. Findings on Appropriate Federal and OE Roles in Law-Related Education..... 12

A. Basic Reasons for Federal Promotion of Law-Related Education..... 12

B. Reasons for OE Leadership in Law-Related Education..... 13

C. Cautions..... 14

VI. Recommendations for OE..... 15

A. Program in Law-Related Education..... 15

B. Recommended Support for Law-Related Education Under Other OE Authorities..... 18

C. Inter-Agency Cooperation..... 19

Appendixes

A --Approaches to Teacher Education..... 20

B --Summaries of National Law-Related Education Projects.. 22

C --The Origins of Selected State Law-Related Education Programs..... 26

D --Some Studies on Inadequate Knowledge of Law..... 30

E --Memorandum on "Law-Related Education: A Crucial Component of American Education," Submitted by the American Bar Association and Prepared by Many Leaders in the Field of Law-Related Education..... 32

SUMMARY OF REPORT

1. Basic conclusions and recommendations. The Study Group's basic conclusions and recommendations are that:

   - Law-related education should be recognized as an integral part of each person's basic education for becoming a knowledgeable and responsible citizen.

   - Promoting the "legal literacy" of citizens safeguards our democratic institutions and is a national interest which justifies Federal support of law-related education.

   - There is a need at this time for OE support to build upon the rich diversity of programs and materials in law-related education, to increase understanding of law-related education among educators, and to provide training in law-related education for teachers and administrators. OE support in these areas should be designed to make law-related education a basic part of the elementary and secondary school curriculum and to help it reach more districts and schools so that it benefits a higher percentage of the Nation's elementary and secondary school students.

   - OE should work closely with other Federal agencies such as the Justice Department's Law Enforcement Assistance Administration and the National Endowment for the Humanities, which should continue their support of law-related education projects.

   - OE should establish a discretionary program (under the Special Projects Act) to fund grants and contracts to support law-related education activities.

   - In addition, OE should provide technical assistance and information to State and local educational agencies and other potential applicants to promote use of other OE funds to support law-related education. Training should be provided for OE employees to increase their understanding of law-related education and its relationship to their program responsibilities.

2. Scope of study. The Study Group on Law-Related Education was established by the U.S. Office of Education (OE) in November, 1977 to prepare a report to the Commissioner of Education summarizing the current condition of law-related education and proposing options for an OE initiative in the field. For purposes of this activity, the Study Group defined law-related education as education that is designed to give people an adequate base of knowledge and training about the law, the legal process, and the legal system that, as part of their general education, enables them to be more informed and effective citizens. Law-related education includes education relating to government institutions and processess for making and administering laws, the principles of freedom, justice, and democracy (as well as other values underlying the legal system), and laws influencing the daily lives of citizens. It also includes education about the role and limits of law in a democratic society. For the Study Group's purposes, law-related education includes school programs for elementary and secondary school students and adult and community law-related education programs; it does not include direct training for careers in law. (pp. 1-2 of the Report).

3. The Federal Government should promote law-related education. The Study Group recommends that the Federal Government, and the U.S. Office of Education in particular, should promote law-related education. Law has become an increasingly complex and pervasive instrument that shapes the lives of citizens. Also, there is a national interest in supporting the development of an educated citizenry that understands, participates in, and thereby safeguards our democratic system of government. This has always been a central purpose of public education in this country. However, studies indicate serious alienation from, and lack of understanding of, governmental insitutions, laws, and the principles of freedom, democracy, and justice among both adults and youth. (pp. 12-13 of the Report). Meaningful law-related education activities that squarely address these needs and problems are reaching no more than about 10% of the Nation's elementary and secondary school students. (p. 5 of the Report).

Law-related education also has the following special features that further justify an OE initiative: (1) Law-related education appears to be highly successful in attracting the interest of students and motivating them (including students in urban high schools with serious academic problems). This is perhaps because law is integral to the resolution of social and political issues and relevant to the daily lives of students; (2) The provision of opportunities for participation by youth in the legal and political system is an important aspect of many law-related education projects; (3) Many of the most highly regarded law-related education projects represent model approaches of how to involve community resources in programs to improve the schools; (4) The dialectical quality of the law belies simplistic answers and is inherently suited to promote the development of students' reasoning skills and ability to deal with complex human problems; and (5) Law-related education can add insight and enrichment to the study of many other educational disciplines or subjects, including, for example, history, anthropology, international relations, consumer economics, and political science. (pp. 13-14 of the Report).

4. OE should establish a law-related education program. The Study Group recommends that OE establish a discretionary program (under the Special Projects Act, as provided in Senate bill H.R. 15) to fund law-related projects. The purpose should not be to establish a long-term categorical grant program in law-related education. Rather, the purpose should be to develop, within a limited number of years, sufficient awareness of and capacity to provide law-related education among teachers and administrators so that it will be adequately supported with State, local, and other OE program funds. (pp. 15-16 of the Report).

The goal of the program should be to promote with limited funding law-related activities as a basic component in elementary and secondary schools. A strategy to achieve this goal would focus a substantial proportion of program resources on dissemination, training, and technical assistance essentially in the form of "seed grants" designed to initiate new projects, and to strengthen existing State and local projects that still merit financial support. (p. 16 of the Report). The program should not emphasize the funding of model or demonstration projects, since--at least at the elementary and secondary levels--there already is a diversity of highly regarded materials and programs in the field. (pp. 2-3 of the Report).

5. Program functions. The program should earmark most of its funds for the following functions:

--Training and technical assistance for teachers and other educators (including school principals and other administrators) and other persons who will contribute to law-related education projects, including pre-service and in-service training. These projects would require applicants to contribute a share of the cost of the projects, and this share would increase in subsequent years of the project, to increase the likelihood that it will be sustained after the Federal grant expires. (p. 16 of the Report; training needs are discussed at p. 6 and Appendix A of the Report).

--Working conferences at the State or inter-State levels to build awareness of law-related education activities and to initiate programs. (p. 17 of the Report). These conferences would address educators' lack of understanding of law and law-related education's potential educational value. (p. 5 of the Report).

--Research and evaluation of law-related education projects and approaches, including validation of highly regarded projects, in conjunction with the National Institute of Education.

--Limited curriculum development in curriculum areas which have not received adequate attention (p. 17 of the Report).

6. Possible joint funding; inter-agency cooperation. Applicants should be encouraged to consider preparing broader projects that might be jointly funded under the law-related education program and other OE programs (particularly programs related to citizenship education such as Environmental Education, the National Defense Education Act, and the Alcohol and Drug Abuse Education Program). (p. 17 of the Report).

The program, and any OE activities regarding law-related education, should be closely coordinated with other Federal agencies interested in law-related education (particularly the Justice Department's Law Enforcement Assistance Administration and its Office of Juvenile Justice and Delinquency Prevention, and the National Endowment for the Humanities. (pp. 17-19 of the Report).

7. Recommendations for other OE programs. In addition to establishing a discretionary grant program in law-related education, OE should provide technical assistance and information to State and local educational agencies and other potential applicants to promote the use of other OE funds to support law-related education.

—This relates both to State-administered, entitlement grant programs (e.g., Title IV of the Elementary and Secondary Education Act and the Adult Education Act) and to discretionary programs (e.g., Teacher Centers, Teacher Corps, Community Schools, Environmental Education, and Consumers' Education). (p. 18 of the Report).

—The Study Group found that OE has provided only very limited support for law-related education. Most project officers do not understand what it is or know little about it. Those who responded to our survey tended to give overly restrictive interpretations of their authority to promote law-related education (pp. 6-9 of the Report).

—Law-related education should be included in other related OE initiatives (e.g., the revitalization of urban high schools, schools and the community, global perspectives, and conferences on educational excellence and motivation).

—OE should provide technical assistance to established law-related education projects which have received Federal funds to prepare these projects for possible validation by HEW's Joint Dissemination Review Panel. Qualifying projects should be considered for funding under OE's National Diffusion Network. (p. 18 of the Report).

—Training should be provided for OE employees to increase their understanding of law-related education and its relationship to their program responsibilities.

I. The Study Group on Law-Related Education

The Study Group on Law-Related Education was established by the U.S. Office of Education (OE) and consists of representatives of several Federal agencies within and outside of the Department of Health, Education, and Welfare (HEW). Its purpose is to prepare a report to the Commissioner of Education that summarizes the condition of law-related education and proposes options for an OE initiative in the field.

Activities of the Study Group have included: (1) Interviews with persons involved in law-related education and other representative educational organizations; (2) Research of the literature on law-related education; (3) Interviews with officials in other Federal agencies to learn what those agencies have done in law-related education and to explore possibilities for inter-agency cooperation in the area; (4) A survey of selected OE program officers to examine options for supporting law-related education under existing OE programs, the extent to which the options have been used, and interest within OE toward a law-related education initiative; and (5) Distribution of a proposed report to interested members of the public, with an opportunity for comments and suggestions.

II. Scope of Law-Related Education

A. Law-related education, for the Study Group's purposes, means education to give people an adequate base of knowledge, understanding, and training about the law, the legal process, and the legal system that, as part of their general education, enables them to be more informed and effective citizens.

B. Law-related education includes inquiry, experiential learning, and other learning approaches in such subject areas as:

1. Fundamental legal principles and the values on which they are based;
2. The Bill of Rights and other Constitutional law;
3. The role and limits of law in a democratic society (both past and present);
4. Conflict and dispute resolution;
5. The role of law in avoiding conflicts and disputes;
6. Development and administration of rules;

7. The administration of the criminal and civil justice systems, and their strengths and weaknesses;

8. Systems and codes of "informal laws" that define and shape the behavior of groups and communities;

9. Issues of authority, freedom, enforcement, and punishment;

10. Law as a vehicle to illuminate and resolve social and political issues;

11. Areas of law that affect the daily lives of citizens (e.g., criminal, consumer, labor, administrative, environmental, and family law); and

12. Law in other disciplines, such as international relations, anthropology, and economics.

C. Law-related education includes school programs for elementary and secondary school students and also extends to out-of-school youth and adults who are involved in adult and community education programs sponsored by a variety of organizations, agencies, and institutions. It does not include direct training for careers in law, nor does it include programs designed exclusively or primarily to provide information on a specific law.

III. Condition of Law-Related Education

A. Growth and characteristics

1. Historical place in school curriculum. Law-related education is not a new responsibility which schools are being asked to assume. It has always been a responsibility of the schools, as reflected in the constitutions and laws of most states. However, schools generally have offered only bits and pieces of information about the law in areas such as civics, social studies, history, home economics, and business education.

2. Revitalization of citizenship education. Law-related education and other curriculum reforms, such as consumers' education, global perspectives, economics education, and political education, have developed as efforts to revitalize the citizenship education programs in schools.

3. Growth in past decade. Within the past decade, educational programs and activities specifically focused on law-related education have developed. According to the American Bar Association (ABA), the number of law-related education projects has grown from about 100 in 1971 to well over 300 at present. Many social studies teachers at the secondary school level are teaching law-related education, sometimes as a separate course or mini-courses, although many of them received no training in a law-related education project.

4. Diversity of programs, materials, and approaches. Particularly at the secondary school level, a rich diversity of programs, approaches, curriculum materials (including teachers' guides, student materials, and audiovisual materials), and resources have been developed in law-related education. (Information on resources and materials in law-related education, including some sample materials, is being provided under separate cover).

The programs and curriculum materials range in substantive content from those focusing on "street law" (e.g., criminal law, consumer law, landlord tenant law, and juvenile law) to those focusing on conceptual law (e.g., the ideas of liberty, justice, property, and responsibility), to those focusing on participation in the criminal justice system or the legislative process. The programs also reflect a diversity of teaching methods and approaches.

The great preponderance of programs rely upon regular teachers as the primary source of instruction. Most people in the field of law-related education who were interviewed by the Study Group thought that this is most appropriate. Some programs use lawyers or law students to teach secondary school students. Most people in law-related education who were interviewed indicated that the best programs make substantial use of inquiry teaching methods, mock trials and other simulations, and practical experiences for students in government and law-related fields and draw heavily upon community resources, including lawyers, in planning and implementing programs.

5. Teacher training. Short-term in-service teacher training programs (including summer institutes and decentralized part-time training during the school year) have been offered by national, State, and local programs in a number of places around the country. According to Senate Committee Report 95-856, 65 teacher institutes in law-related education were offered last year. (p. 41, May 15, 1978). (See Appendix A for a summary of approaches to teacher education)

6. Student and teacher interest. The Study Group heard repeatedly that the subject of law-related education is of great interest to elementary and secondary school students and teachers. It heard, for example, that in urban high schools with serious academic problems, student attendance at and participation in law-related education classes is consistently above that for other classes.

B. Institutional Roles in Growth of Law-Related Education

1. Grass roots movement; law-related education groups. Law-related education has grown as a grass roots movement, with the ABA serving an important catalytic role through sponsoring regional

conferences, preparing and distributing literature, and carrying out studies. A small number of other non-profit organizations which initially started as local projects have developed materials and expanded their role to include dissemination, technical assistance, and training activities throughout the country (See Appendix B for summaries of the leading national projects).

2. Local lawyers and teachers. Although State laws in 45 of the States require instruction in the Constitution or Bill of Rights at particular grade levels, these laws are not responsible for the growth of law-related education. Law-related education activities have generally been stimulated by local lawyers and teachers, whose initial interest in many cases has been prompted by educational and promotional activities of the ABA and law-related education organizations. (See Appendix C for information on the origin of selected State programs).

3. Funding sources. Law-related education activities have also been shaped by funding from the Justice Department's Law Enforcement Assistance Administration (LEAA), the largest single source of funds for law-related education, which has funded law-related education as an approach to prevent crime and juvenile delinquency. The National Endowment for the Humanities (NEH) and a number of private foundations, including the Ford, Danforth, and Robert F. Kennedy Memorial Foundations, have each funded a limited number of law-related education projects.

4. State departments of education. Most State departments of education have provided little or no funds for law-related education. State department funding and leadership have occurred in some instances where a particular chief State school officer took an active interest in promoting law-related education. The Council of Chief State School Officers has passed a policy resolution supporting law-related education.

5. State inter-agency cooperation. With some exceptions, there has been inadequate cooperation in the area of law-related education between State departments of education and State LEAA agencies.

6. State-wide programs. A number of State-wide programs centered in a variety of organizations are providing training for teachers and other resource people, developing and adapting materials for local needs, and promoting cooperation between educational, law enforcement, and other agencies (See Appendix C for information on the origin of selected State programs).

7. Community resources. Many law-related education projects are excellent examples of how professional and community resources (e.g., bar associations, the courts, lawyers, law enforcement and juvenile justice agencies) can contribute to strengthening educational programs in schools.

8. Congressional interest. There appears to be substantial interest in the Congress in promoting law-related education in the schools. As part of the proposed Education Amendments of 1978 (H.R. 15), the Senate has passed the Law-Related Education Act of 1978. The proposed Act authorizes annual appropriations of $15 million to award grants and contracts supporting law-related education. In a 1974 hearing of a subcommittee of the Senate Committee on the Judiciary, OE was severely criticized for not taking an active role in the field. Law-related education is also expressly included as an eligible activity in authorizing legislation for the LEAA.

C. Needs in Law-Related Education

1. Need to reach more students. Probably no more than about 10% of elementary and secondary school students receive any law-related education, other than in bits and pieces as part of an expository treatment of government (Senate Report 95-856 (p. 41, May 15, 1978)).

2. Place in school curriculum. Law-related education generally has not become a basic element in the curriculum of schools and school systems. Although some comprehensive and sequential curriculum guides and student materials have been developed, such programs are not ordinarily available to individual students as they progress from grade to grade, particularly at the elementary school level.

Law-related education generally is not provided in adult education and community education programs. Government and law units developed as a part of adult functional competency programs appear to be lower in quality than programs developed at the elementary and secondary levels.

3. Broadening awareness of educators. Many educators (including social studies teachers, school principals, and other school administrators) have not thought of law-related education as constituting an important part of their responsibility. It is viewed by many educators (who generally do not understand law or what is involved in law-related education and are not familiar with good law-related education programs) as a special interest, an add on, a public relations effort for lawyers, an effort to teach students their rights which will lead to challenges to school authorities, or a complex and specialized discipline beyond the grasp of teachers and students.

4. Training for teachers and administrators. Law-related education places special demands upon teachers, given their lack of background in law, the dialectical quality of the law, and the prevalence of controversial issues in the law. School principals and resource persons also need training to plan and implement successful law-related education projects.

However, training opportunities for teachers and administrators in law-related education are inadequate. Universities with schools of education generally are not providing pre-service or in-service teacher training in law-related education. A number of law-related education projects appear to be doing an imaginative job of providing in-service teacher training, but the training is usually very short in duration, and there generally is not adequate follow-up. Several of these projects are operating with small LEAA grants due to expire and are at a critical stage of development.

5. Evaluation. There is a need for more concrete and systematic evaluation of projects and approaches in law-related education. Most information on the success of law-related curricular materials and activities is anecdotal and based upon subjective impressions.

6. Quality control. Quality control and scholarship are important needs in law-related education programs due to the nature of the subject matter. Law, if properly taught, should involve an examination of rights in conflict, not simple issues of right versus wrong. Programs must be balanced and based on sound scholarship. The ABA and leading projects are sensitive to this need, and the involvement of community resources helps to address it.

7. Curriculum development. In part due to State law provisions or LEAA funding, most projects emphasize criminal law or the Bill of Rights. Other areas of law-related education, particularly at the elementary school level, generally have not received sufficient attention.

8. Funding. Adequate funding is not available to meet the needs described above. The NEH and private foundations have funded studies and services by the ABA and development of a very limited number of the leading projects. The foundations are not expected to be a continuing source of support in the field. LEAA national funds for law-related education are limited and going only to a small number of existing national projects.

IV. Existing Federal Support of Law-Related Eduation

A. OE Has Provided Very Limited Support for Law-Related Education

1. State-administered programs. Most OE support for law-related education has occured in State-administered programs as a result of decisions at the State or local level to fund law-related education. The States of New York and Pennsylvania have made law-related education a funding priority under Title IV-C of the Elementary and Secondary Education Act and have spent significant amounts of Title IV-C funds for law-related education. Illinois has made "responsibility education," which includes law-related education, a Title IV-C funding priority. Several other State departments of education also have used Title IV-C funds to support law-related education activities.

Funds under Title I of the Elementary and Secondary Education Act were used to develop materials in the Chicago-based Law in American Society project.

A number of States have used funds under section 309 of the Adult Education Act to support competency-based adult education programs with law-related components. These programs generally derive from the Adult Performance Level (APL) Program of the University of Texas at Austin, which assesses the "life skills proficiency of adults." The APL Program identifies government and law as one of five content areas critical to the daily lives of successful adults. The Study Group saw only a very limited sample of materials on government and law developed under these programs. The materials emphasize "black letter law" and what to do in particular legal situations. In general, they appear to lack the quality and richness of pedagogical approaches of many materials available at the elementary and secondary levels.

Other OE State-administered programs have not, to the knowledge of OE program staff, supported law-related education.

2. Support of Law-Related Education Under OE Discretionary Programs.

OE has funded discretionary projects which specifically focused on law-related education or in which law-related education was a central project component only in the following instances:

a. One law-related education project--New Jersey's Institute for Political and Legal Education--is a developer-demonstrator project funded under OE's National Diffusion Network.

b. Law-related education is a central component in a Denver, Colorado project funded under the Youth Advocacy Program of the Teacher Corps. Many of the other nine Youth Advocacy projects funded by Teacher Corps involve some elements of law-related education. The program is conducted pursuant to an interagency agreement with the LEAA. These projects involve the development of innovative approaches to serving troubled youth in schools.

c. A law-related education project in Chelmsford, Massachusetts is receiving modest support under the Gifted and Talented Program.

d. 12 films on law-related education have been developed and captioned for the deaf under the Education of the Handicapped Act.

e. The Consumers' Education Program has funded 5 projects with law-related education components. 2 of these have focused on legal aid services and the use of small claims courts; the other 3, on "consumers" in correctional institutions.

f. The Office of Bilingual Education in 1975 funded a Ramah, New Mexico law-related history program for 7th--12th graders. The program was to be taught bilingually and targeted at Native Americans.

Some law-related education (or at least information on law) has been included as an incidental part of some projects addressing other purposes funded under the Consumers' Education Program, the Environmental Education Act, the Alcohol and Drug Abuse Education Program, and the Upward Bound Program. Law as a potential career is often one of many careers touched upon in projects funded under the Career Education Program. According to program staff, almost half of the adult education programs funded under the Indian Education Act are derived from the APL Program of the University of Texas at Austin and would generally include a component on government and law. However, program staff are not aware of law-related education activities at the elementary and secondary levels under the Indian Education Act.

3. <u>OE staff knowledge of and interest in law-related education.</u>

Many programs, particularly the State-administered programs, indicate they do not know whether their funds are being used for law-related education.

There are varying degrees of interest in law-related education among OE project officers. Most do not understand what it is or know little about it. Those who responded to our survey tended to give overly restrictive interpretations of their authority to promote law-related education. For example, one Emergency School Aid Act (ESAA) project officer indicated that law-related education could not be supported under ESAA. However, the Study Group learned from another program office that ESAA had funded a pilot project in Detroit to promote functional literacy for high school students. The project included a component in law-related education. The Study Group is also aware of an instance in which a potential applicant was informed by an OE program officer that law-related education fell outside the priorities for his program and was unlikely to be funded. In fact, the program regulation expressly listed law as an eligible area and included no priorities which would have excluded law-related education.

B. Status of Other Federal Support of Law-Related Education

1. The Justice Department's Law Enforcement Assistance Administration.

The Justice Department's LEAA has been the largest single source of funds for law-related education. LEAA has supported law-related education projects focused on both juveniles and adults. These projects have, for the most part, been directed at promoting: better understanding of the law, of the role and procedures of justice system agencies, and of the responsibilities of citizens in preventing crime.

Since 1972, grants totalling over $4.6 million have been awarded to develop or purchase curricula and law-related education materials for schools, to train teachers and others in presenting those materials, and to hold or permit attendance at law-related education conferences. This total does not include projects in drug abuse, police liaison officer, community relations, and community action projects with components in law-related education. Law-related education has been funded both by LEAA State planning agencies with block grant money and by LEAA national discretionary money. However, many LEAA State planning agencies have been unwilling to fund law-related education or have assigned it a low priority.

LEAA's authorizing statutes contain a number of mandates for Federal interagency cooperation which are not being implemented. (Sections 204(a),(b)(4) and (6), (f), (i), (k), (l), 205, 206, 224(a)(6), 243(4) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended by the Juvenile Justice Amendments of 1977).

Under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended by the Juvenile Justice Amendments of 1977, LEAA's Office of Juvenile Justice and Delinquency Prevention has funded one national law-related education organization, the Constitutional Rights Foundation, and is planning in the very near future to fund several other national organizations to expand their activities on a coordinated basis to aid youth in becoming effective participants in the decision-making processes that have an impact on their lives, and to make them aware of their rights and responsibilities.

2. The National Endowment for the Humanities. Through its many programs NEH has provided substantial support in areas related to law. (Many of these activities would fall outside the scope of law-related education for purposes of this study.) The discipline "jurisprudence" exists in NEH's congressional mandate. Grants from the Division of Research Programs and the Division of Fellowships have provided support for scholarly work in the history and philosophy of law, for example, as well as for summer seminars for lawyers. The Office of State Programs lists numerous projects funded by the various State Humanities Committees in the broad area of public policy.

Projects funded by the Division of Education Programs most obviously fall in the category of law-related education. This Division's basic purpose is to help educational institutions to improve instruction in the disciplines of the humanities and to make humanistic study of the highest quality available to the greatest possible number of students enrolled at all educational levels. Higher education projects tend mostly to involve course development. Elementary and secondary education projects almost always involve a combination of curriculum development and teacher training. In the past four years, the Division of Education Programs has provided approximately $2,090,551 of support in law-related education, including one higher education project and one elementary and secondary education project to the ABA, as well as support of the Law in a Free Society project from the Elementary and Secondary Education Program in the amount of $1,239,071 outright and $1,139,768 gifts-and-matching. By virtue of its unique mandate for the humanities, NEH is able to play a distinctive role in the area of law-related education.

3. Legal Services Corporation. The legal Services Corporation has allocated approximately $4 million for grants over the next three years to improve the quality and effectiveness of legal assistance for the poor in civil matters. "Preventive legal education" is one of nine areas in which proposals can be submitted.

The Legal Services Corporation has also carried out a survey of legal services programs' community education activities which teach low income adults to recognize, avoid, and solve legal problems. The survey showed that at least 30 programs have continuing community education projects. About half of the funding for these projects comes from the Corporation. Many of the projects consist primarily of pamphlet distribution and occasional lecturing. They generally do not involve educators.

4. Other Federal agencies. Other Federal agencies are doing little or nothing in law-related education.

The Youth Employment Demonstration Projects Act of 1977 (YEDPA) appears to be a promising authority for placing youth in law-related public service jobs and providing complementary school activities in law-related education. However, Department of Labor officials contacted by the Study Group indicated that they were not aware of these activities, although it was possible that these activities were included as a part of broader YEDPA projects or other projects funded under the Comprehensive Employment and Training Act. These officials assume that many projects provide some minimum information to trainees about their rights as citizens and employees, particularly in the Job Corps program.

Staff of the National Institute of Education are interested in law-related education. To date, however, NIE has not funded law-related education. It has only supported research into the impact of law on education.

The Fund for the Improvement of Postsecondary Education has funded four projects concerned with law school education. It has not funded law-related education.

The Bureau of Indian Affairs has also funded a law school project to prepare Native Americans for legal careers. However, it does not have information on the extent to which law-related education may be provided in Bureau of Indian Affairs' elementary and secondary schools.

ACTION has funded postsecondary institutions with paralegal or administrative justice programs, but it has not supported law-related education at the elementary and secondary school levels.

Law-related education is offered in some overseas schools for dependents administered by the Defense Department. The Law in a Free Society curriculum materials have been approved by the Defense Department for use in the social studies program of the dependent schools. However, information on the extent of these programs was not available from the Defense Department.

V. Findings on Appropriate Federal and OE Roles in Law-Related Education

A. Basic Reasons for Federal Promotion of Law-Related Education

1. The United States is a nation of laws, with each citizen guaranteed certain rights and bearing certain responsibilities. Law has become an increasingly complex and pervasive instrument that shapes the lives of citizens. It is too important to be left only to lawyers. In short, law-related education should be recognized as an integral part of each person's basic education for becoming a knowledgeable and effective citizen. Some State departments of education (Maryland's, for example) have recognized this by defining knowledge of law and the legal system as part of competency based education and testing students on it.

2. A special justification for a Federal role in promoting and coordinating State and local activities in law-related education relates to the national interest in supporting the development of an educated citizenry that understands, participates in, and safeguards our democratic system of government. This has always been a central purpose of public education in this country. However, studies indicate serious alienation from, and lack of understanding of, governmental institutions, laws, and the principles of freedom, justice, and democracy among both adults and teenagers. (See appendix D).

3. Law-related education projects at the elementary and secondary school levels can provide opportunities for youth participation in legal and political institutions and, as appropriate, in the decision-making processes of schools and classrooms.

4. Support for law-related education is especially crucial now. Many law-related education programs have been in existence for four or more years. It is an appropriate time to draw upon their experience, and evaluate the success of the different approaches in the field. Several of these projects are at a crucial stage in

their development, operating with small LEAA grants which are due to expire. Without additional funds the structures that have been created on a statewide basis to disseminate law-related education programs may disappear, taking with them many more local projects which depend on them for resources. However, with a small infusion of grant funds and with the kind of educational support which OE leadership can generate, these projects can expand to the point where they will need no further Federal assistance and will exist on local support alone.

The need for Federal support also comes at a time when our society is very conscious of the law and very eager to resolve conflicts through law suits. Yet, studies show that secondary school students' knowledge of the Nation's institutions and legal structure is declining. It is a crucial time for the Federal Government to take a leadership role in supporting projects which respond to these needs.

(A comprehensive analysis of the rationale for Federal and OE support is provided in the memorandum set forth at Appendix E. The memorandum was submitted to the Study Group by the American Bar Association's Special Committee on Youth Education for Citizenship and was prepared by many leaders in the field of law-related education).

B. Reasons for OE Leadership in Law-Related Education

1. Leaders in law-related education are virtually unanimous in urging that law-related education should be understood primarily as an education program. LEAA joins them in urging a strong OE role. OE should complement, not duplicate or preempt, law-related education activities of other Federal agencies.

2. OE, as the primary educational agency at the Federal level, can, through its leadership role, realistically promote greater understanding of and skills in law-related education among educators.

3. While the purposes for promoting law-related education described under section V-A above are central, law-related education (at least under the approaches taken by most of the leading projects) can also contribute to other elementary and secondary school needs, including needs which are the subject of other OE initiatives:

   a. Law-related education involves important issues and methods which belie simplistic answers and is inherently suited to promote the development of students' thinking skills and ability to deal with complex human problems. (An excellent analysis of how law-related education develops thinking skills is set forth in P. A. Freund, "The Law and the Schools," Harvard Educational Review, p. 470 (Winter, 1966)).

b. Law-related education is extremely relevant to the daily lives of students. Substantial anecdotal information indicates that law-related education interests students (and teachers) and often motivates them to improve their academic performance. Law-related education is one excellent approach which might be part of OE's effort to revitalize urban high schools, and a part of the President's urban initiative.

c. Many people believe (although there has been no systematic evaluation of this) that law-related education contributes to a reduction in school violence and vandalism, juvenile delinquency, and crime.

d. Some of the best law-related education projects provide students with substantial opportunities for so-called experiential learning including internships in the political and legal system, thereby bringing the school and the community closer togther.

4. An OE initiative in law-related education can build upon the diversity of existing programs and curriculum materials, the efforts of local, State, and national organizations committed to promoting law-related education, and involvement of community and professional resources and therefore have a major impact with a relatively small amount of money.

5. OE cooperation with other Federal agencies interested in law-related education, including the LEAA and the NEH, can promote inter-agency cooperation at the State and local levels.

C. Cautions

1. Citizenship education and the question of fragmentation. Both law-related education and citizenship education attempt to develop an informed citizenry capable of exerting influence over public affairs within the context of a democratic society. The basic reasons for promoting an initiative in law-related education would also support a broader initiative in citizenship education including law-related education and other approaches.

Some educators have advised the Study Group that a law-related education initiative would further fragment the citizenship education field. They argue that a broad citizenship education initiative could develop a more cohesive curriculum, producing better use of student and teacher time.

However, other educators advised the Study Group that a citizenship education initiative would seek to do too much and might ultimately dilute and render ineffective the individual areas comprising citizenship education. They also pointed out

that the term "citizenship education" has acquired many different meanings, including a negative association with political indoctrination. They argue that an initiative in law-related education is the most realistic approach to citizenship education at this time.

The Study Group has not examined approaches to citizenship education other than law-related education, and is not in a position to make recommendations on them. It does recommend an initiative in law-related education, either alone or as part of a broader initiative in citizenship education.

The Study Group also recommends that if OE establishes a program in law-related education, such as that contained in Senate bill H.R. 15, applicants for grants should be encouraged to consider how law-related education fits into their overall educational programs and whether it should be integrated with other citizenship education approaches. Also, OE should explore possible ways to promote joint funding of projects under the law-related education program and other OE programs related to citizenship education (e.g., Consumers' Education, Environmental Education, Alcohol and Drug Abuse Education, the International Understanding Program under section 603 of the National Defense Education Act, and the proposed Population Education Program).

2. Quality control. OE, if it funds projects in law-related education, needs to be careful not to suffocate what has been a dynamic grass roots movement. Serious attention needs to be given to quality control in order to avoid a stampede upon the Federal trough.

VI. Recommendations for OE

A. Program in Law-Related Education

The best way for OE effectively to address needs in law-related education is to establish a program under the Special Projects Act to fund law-related education activities. If other program areas are expressly legislated under the Special Projects Act, the statute should also expressly provide for a law-related education program.

H.R. 15, as recently passed by the Senate, establishes a program to fund law-related education with annual appropriations of $15 million authorized through Fiscal Year 1983. The program is part of the Senate's Special Projects legislation which would be enacted as Title III of the Elementary and Secondary Education Act. The recommendations in this report are consistent with the Senate bill.

1. Rationale; overall strategy. A grant program is needed to develop awareness of and capacity in law-related education. This is the most effective way to influence use of Federal entitlement funds and other funds at the State and local levels for law-related education. The purpose is not to support a long-term categorical program in law-related education, but within a limited number of years to develop sufficient awareness of and capacity in law-related education, particularly at the elementary and secondary school levels, so that it will be adequately supported with State, local, and other OE program funds. The program should support activities which adapt and build upon the rich diversity of existing programs and curricular materials.

2. Functions. The program should fund--

   a. Grants for training and technical assistance. Grants subject to cost sharing requirements to support training and technical assistance for teachers, principals and other adminstrators, curriculum specialists, and other resource people (including parents) in local or State-wide projects. Awards should be made to State or local educational agencies, State or locally based non-profit organizations, institutions of higher education, juvenile justice agencies and agencies responsible for correctional education programs, non-profit organizations active at the national level, or consortia of these agencies and organizations. The development of pre-service and in-service teacher training programs in institutions of higher education should be eligible. Provisions should guard against duplication of ongoing State and local efforts.

   Cost-sharing requirements should be small in the first year and increase substantially during subsequent years of a project, so that the program is maintained with an increasing share of its cost paid by the grantee. The purpose of this requirement is to increase the likelihood that programs will be sustained after the Federal grant ends. Another benefit is to "free up" funds each year for new project awards. The program should permit grantees to provide their matching share with funds received from other State-administered Federal programs. This will help to stimulate the use of other Federal resources for law-related education.

   Each project should be funded for a maximum of four years. To be funded, the applicant should be required (1) to document local interest in and commitment to the project; and (2) to arrange for a local representative organization such as a local advisory committee or board of directors to oversee the project.

b. Educational conferences. Inter- and intra-State working conferences designed to stimulate awareness of and interest in law-related education activities among teachers, educational administrators, curriculum specialists, and other community resources, and to initiate planning and development of law-related education activities. The conferences might be jointly sponsored by the Chief State School Officers, the ABA, and other leading groups in the field. Separate conferences might be targeted at the higher education level and the elementary and secondary education level. These conferences should be funded subject to commitments by the co-sponsors to conduct follow-up activities.

c. Research and evaluation. Research, evaluation, and validation activities conducted by OE in conjunction with the National Institute of Education to measure the extent of success of law-related education activities, to support development of better testing instruments to do this, to evaluate different approaches to law-related education, and to validate existing programs which appear to be successful.

d. Limited curriculum development. Very limited curriculum development in areas which have not received adequate attention, such as the elementary school level and special education.

3. Joint projects with other programs. Applicants should be encouraged to consider proposing broader citizenship education projects which might be jointly funded under the law-related education program and other "citizenship education programs" administered by the Office of Education. (e.g., Environmental Education, the National Defense Education Act, Consumers' Education, Alcohol and Drug Abuse Education, and the proposed Population Education Program.) Under the so-called Cranston Amendment (Section 421A(c) of the General Education Provisions Act), OE may not condition the award of a grant or contract under one appropriation upon the receipt of an award under another appropriation. This does not bar OE from instituting procedures to encourage and facilitate applicants to integrate law-related education with other educational activities and to seek funding from more than one OE program.

4. Coordination with other agencies. As provided under section VI-C below, the program should be closely coordinated with other Federal agencies interested in law-related education, particularly the LEAA and its Office of Juvenile Justice and Delinquency Prevention, and the National Endowment for the Humanities.

B. Recommended Support for Law-Related Education Under Other OE Authorities

In addition to establishing a discretionary program in law-related education, OE should promote, as appropriate, use of other existing and proposed authorities to fund law-related education.

1. Joint Dissemination Review Panel--National Diffusion Network. Leading law-related education projects should be given technical assistance to prepare them for validation by HEW's Joint Dissemination Review Panel (JDRP). If projects are approved by the JDRP for dissemination, and if they file appropriate applications, they should be considered for funding as developer-demonstrator projects under OE's National Diffusion Network. Additional funding for the NDN will help to do this.

2. State-administered programs. Technical assistance and dissemination activities should be directed at encouraging State deparments of education and other agencies to consider greater use of OE entitlement funds for law-related education activities. Programs such as Title IV-C of the Elementary and Secondary Education Act (ESEA), Title I of the Higher Education Act, and the Adult Education Act can support law-related education projects. Title IV-B, ESEA funds can assist in the purchase of law-related curricular materials. Law-related education can also serve as high-interest subject matter which promotes the purposes of other programs such as Title I, ESEA, and the Emergency School Aid Act. Without program funds under the Special Projects Act, the scope, quality, and impact of these dissemination and development activities will be limited.

3. Discretionary programs. OE should promote funding of law-related education projects or approaches under discretionary grant programs (e.g., teacher centers, teacher corps, consumers' education, environmental education, drug abuse education, and the community school programs). In many of these programs, OE may not be able to prescribe specific substantive areas for funding, but it can encourage applicants to consider including law-related education in their projects.

OE should promote law-related education in the specialized information networks (journals, conferences, newsletters, and clearinghouses) related to programs such as these where possibilities for law-related education activities exist (whether or not federally funded).

Within OE, directives should be issued to program officials to avoid writing regulations which exclude law-related education (when that is not appropriate) and to mention law-related education as an eligible activity (when appropriate). Training and information about law-related education should be provided to OE employees as part of the Horace Mann Center.

4. Other OE initiatives. Law-related education should be examined by OE task forces considering revitalization of the urban high school and the relationship of the school to the community. Some of the best regarded law-related education projects appear to represent models for effectively addressing these issues. Law-related education should also be considered in OE-funded conferences on related subjects, such as the Project Push Conference on educational excellence and motivation.

C. Inter-Agency Cooperation

Steps should be taken (whether through inter-agency agreements, establishing a subcommittee of the Federal Interagency Committee on Education, or other means) for continuous sharing of information and coordination among agencies interested in law-related education, including LEAA, NEH, and the Legal Services Corporation.

In addition to the general inter-agency coordination described above, possible joint activities include (1) identifying possible contributions to law-related education by Federal agencies (e.g., consideration of appropriate proposals for funding in law-related education by the Fund for the Improvement of Postsecondary Education and the Administration on Aging); (2) providing information and technical assistance to applicants and potential applicants on possible sources of Federal support, including opportunities for joint funding of projects; and (3) providing information and technical assistance to constituent agencies at the State and local levels to promote cooperation among those agencies.

APPENDIX A—Approaches to Teacher Education

Relatively few of America's secondary school teachers, and even fewer elementary school teachers, are presently aware of the need for and nature of law-related education. Yet, motivated and trained teachers are critical to a successful law-related education program. Lawyers, judges, law enforcement officials, business people, and others can help, but teachers should carry the instructional burden. While the task of teacher preparation is a difficult one, a variety of approaches have been taken (as a result of localized "grass roots" interest) in various places throughout the country with considerable success.

These approaches span a wide spectrum from those concentrating on practical aspects of law to those with a more conceptual focus (why we have laws and what roles they serve). However, the teacher education programs that have been conducted not only reflect this diversity of emphasis, but also share a number of common features. Nearly all teacher preparation programs in law-related education have been in-service programs. Likewise, almost all programs have combined instruction in substantive law with training in methodology and the use of community resources. Although most programs have been designed for secondary school teachers, some have included training for elementary school teachers as well. In general, the teacher training has emphasized the advantages of using an interactive rather than didactic method of teaching about the law. The training has also given teachers ideas and skills for using other community members (e.g., lawyers and law enforcement officials) and institutions (e.g., the court system and local government) to enrich their classroom instruction.

Since the teacher training programs have largely been in-service, a basic task of proponents of the programs has been to make teachers aware of the training and attract their participation. Efforts to do this have included awareness workshops and conferences. The range of incentives that have been used to attract teachers to participate have included making the training accessible (e.g., after school hours, offered in the teachers' school district or close by), the awarding of free or low-cost graduate university credit, the awarding of stipends, the distribution of free books and materials, the inclusion of teacher education programs as part of a school district's in-service offering, or released time for participation. However, it should be noted that many teachers (if not most) have participated not because of these incentives, but rather because of their interest in the subject matter and methodology.

Several successful teacher training projects have found that a once-a-week, multi-session program is advantageous for attracting teachers to participate while other projects have offered intensive one to four week summer programs. Still other projects have offered a combination of these models. In general, a particular type of training model has been selected on the basis of the goals of the project, community support for the project, university involvement, size of the area and population to be served, availability and cost of instructors, and the amount of financial resources available to provide the training.

An excellent resource on teacher education approaches is: Teaching Teachers About Law - A Guide to Law-Related Teacher Education Programs, American Bar Association Special Committee on Youth Education for Citizenship, Working notes 11 (1976).

Appendix B -- Summaries of National Law-Related Education Projects

Several law-related education projects have provided a great deal of leadership on a nation-wide basis. Most of these national projects are outgrowths of excellent local or regional projects. The following projects */ currently offer a variety of materials and consulting services to other organizations and individuals throughout the country:

(a) American Bar Association Special Committee on Youth Education for Citizenship (YEFC).

The ABA Special Committee on Youth Education for Citizenship was established in 1971 to provide national clearinghouse and coordination services for individuals and groups interested or involved in law-related education. Because YEFC has no proprietary interest in any particular projects, materials, or models in the field, it promotes all worthwhile efforts and helps develop programs best suited to each community's particular needs and interests. YEFC has produced a wide variety of materials which provide practical information on how to begin and sustain law-related programs (e.g., a directory of law-related education programs, three curriculum catalogues, books on program development, films, and a magazine). In addition, YEFC has conducted regional conferences on law-related education throughout the country and conducts research concerning major areas of program development and implementation. It also provides on-site consulting services to school systems, bar associations, and other interested groups.

*/ These project descriptions are taken from, Directory of Law-Related Education Projects, American Bar Association Special Committee on Youth Education for Citizenship, Third Edition, Working Notes, No. 12 (1978).

materials. The Foundation has also produced a number of multi-media curriculum materials for use in elementary and secondary schools.

(e) Law, Education and Participation (LEAP).

Law, Education and Participation is a national project of the Constitutional Rights Foundation, a Los Angeles-based project in law-related education that has operated since 1963. The LEAP project provides nation-wide consulting assistance in the following areas: developing community support for law-related programs; organizing school resource programs using the voluntary services of lawyers, law students, and justice agency personnel; designing student and teacher internships with justice agencies; planning and staffing teacher preservice and inservice training on the administration of justice; organizing school, community, and city-wide conferences and seminars; and organizing peer teacher programs in law-related education. Direct assistance is offered through a regional office in Philadelphia and a local office in Chicago. LEAP also disseminates a wide range of instructional materials developed and published by the Constitutional Rights Foundation.

(f) Law in a Free Society (LIFS).

Initiated by the State Bar of California in 1970, Law in a Free Society is a K-12 law-related education project conducted with the cooperation of the faculty of the University of California and other institutions of higher learning, as well as school districts, bar associations, and other groups and agencies in California and several other states. LIFS is developing a comprehensive K-12 curriculum based on eight concepts: authority, diversity, freedom, justice, participation, privacy, property, and responsibility. Preservice and inservice teacher training materials have already been prepared consisting of casebooks, lesson plans, curriculum objectives, and course outlines. With the support of the National Endowment for the Humanities and the Danforth Foundation, the project is now developing classroom instructional materials on the eight concepts. In addition, the LIFS project staff provides consulting services in the following areas: program development, inservice teacher training, and developing support for law-related programs from legal, educational, and other community organizations.

(g) National Street Law Institute.

The National Street Law Institute is an outgrowth of a six-year-old Georgetown University program in which law students teach about the law in District of Columbia public high schools. The project now works with law schools nationwide to help them design clinical programs in which law students receive credit for teaching a Street Law course in area high schools and correctional institutions, and conducts teacher education programs. The programs emphasize areas of law as they apply to individuals in their daily lives. The project has published texts which include units on criminal law, consumer law, family law, housing law, environmental law, and individual rights law. In addition, the project provides teacher training and other assistance with curriculum development, instructional methodology, mock trials, and areas of substantive law; technical assistance to school systems, law schools, departments of corrections, bar associations and other interested groups; and development and dissemination of legal education materials.

Appendix C--The Origins of Selected State Law-Related Education Programs */

1. Texas - Law in a Changing Society, Texas' program, began as a local program in Dallas. The initial impetus came from a local bar association, the Dallas Bar Association, with the cooperation of a local school system, the Dallas Independent School District. The project began in 1970 when Frank Moore, the president of the Dallas Bar Association, heard Dr. Robert Ratcliffe of the Law in American Society Foundaton speak on law-focused education at a mid-winter conference of the American Bar Association. On his return, Mr. Moore established a youth education committee which drafted a proposal for a law studies program in Dallas schools and presented it to the superintendent of schools. A Guidance Committee of educators, lawyers, law enforcement officials, community representatives and others was established. This Committee drew up a formal proposal, secured a three-year grant of $278,000 from the Texas Criminal Justice Council, and hired a full-time project director. The project director and 16 teachers attended the Law in American Society Foundation summer institute in 1971.

In 1975, the Dallas project's budget of $25,000 was met entirely by the Dallas school system.

The program expanded to a statewide effort with funds from the State Bar and the State LEAA Agency.

2. Colorado - The Colorado project is different from other statewide projects in that it is based in an organization of social scientists (the Social Science Education Consortium (SSEC)) which for years has offered a variety of services to social studies educators throughout the country. It has done extensive analyses of social studies curriculum materials in order that local school districts may easily locate and select materials of most use to their programs.

The impetus for the Colorado project came from SSEC staff members who were already familiar with law-related curriculum materials through the SSEC resource and demonstration center. The ABA helped bring together representatives from the educational and legal communities to discuss possible approaches to law-related education. SSEC then assembled an interdisciplinary group of Colorado lawyers, law enforcement officials, educators, and others to work with SSEC and the Colorado Bar Association, the project's co-sponsor, to locate funding sources and develop a program. The project received an early grant of $41,000 from the Division of Criminal Justice, Colorado's LEAA State planning agency. The grant was administered through the Colorado State Department of Education, with the Colorado Legal Education Program a sub-contractor under the grant.

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*/ Descriptions of the Texas, Colorado, Missouri, and Pennsylvania programs are taken from, Law-Related Education in America - Guidelines for the Future, Report of the American Bar Association Special Committee on Youth Education for Citizenship, pp. 191-223 (1975). The description of the Maryland program is taken largely from D.P. Vetters and G.W. Paradis, "The Maryland Model for an Eight-Step Teacher Education Program," Teaching Teachers About Law - A Guide to Law-Related Teacher Education Programs, ABA Special Committee on Youth Education for Citizenship, Working Notes 11, p. 173 (1976).

3. Missouri - The Missouri Bar, in cooperation with the Missouri State Department of Education, initiated its law-related project in 1970 with the objective of increasing student understanding of the law as it related to citizenship in a democratic society. The project obtained three grants, totaling approximately $108,000, from the Missouri Law Enforcement Council for the initial planning of the program and for several teacher-training workshops. In 1973, the College of Education at the University of Missouri-Columbia of the University's Extension Division joined The Missouri Bar and Missouri State Department of Education as co-sponsors of the project. In fiscal year 1974, with a $125,000, three-year grant from the Danforth Foundation, the project provided expanded in-service training for teachers, and distributed law-related materials which it had developed throughout the State.

The project's annual budget grew to $79,000 per year in 1975, met with $67,000 from the Danforth Foundation, $10,000 from the Missouri Law Enforcement Assistance Council, and a $1,200 cash match from the Missouri Bar Foundation.

The project received a great amount of in-kind assistance from its co-sponsors, enabling it to keep its budget down while providing a wide range of services. For example, the Missouri Bar contributed the services of the project's administrator, its bookkeeper and one secretary (all are part-time). It also contributed all office space, equipment, utilities, etc. Therefore, none of the project's budget went toward administrative overhead.

The University of Missouri-Columbia provided 50 percent of the services of a professor of education to serve as university project director for the extension in-service teacher-training programs. This, with supportive services, amounted to approximately $20,000 per year. The university also provided the services of 35 instructors who taught 54 local workshops. They were paid $600 for each workshop, a total cost of $32,400. In addition, the university contributed the services of its Extension Division personnel. Another contribution of the university was the duplication and distribution of the project's nine half-hour television programs through the facilities of its Academic Support Center.

The State Department of Education contributed 50 percent of the time of the Director of Curriculum Dissemination, to assist teachers in the development of law-focused education in the classroom. It is estimated that his services, together with supportive services and travel expenses, amounted to approximately $20,000 per year.

Local bar associations contributed more than 750 hours of lawyers' time as instructors in the inservice local workshops.

Local school districts contributed facilities for local workshops. This included utilities and janitorial services.

4. Pennsylvania - In May 1973 in Philadelphia, The American Bar Association conducted a Regional Conference on Law-Related Education, co-sponsored by the Pennsylvania Department of Education and Pennsylvania Bar Association. It included lawyers and educators from Pennsylvania, New York, and New Jersey. The statewide law-related education project was in part generated by the Regional Conference, and the declaration by Pennsylvania's Secretary of Education, John Pittenger, that law-related education was to be a curriculum priority.

The project, Justice Education and Community Action, began formally in July 1974 with a $63,000 grant from the Governor's Justice Commission. The Pennsylvania Department of Education provided complementary funds to cover the cost of office space, printing, postage, and other administrative overhead, as well as 25 percent of staff salaries. The Department made a survey of current law-related materials and programs in the State, established competencies (expected outcomes, both cognitive and affective) in law-related education, and offered suggestions for the enrichment of existing curricula. They also marshalled the support of local resource personnel, organized teacher training sessions, and established pilot programs in 40 elementary and secondary schools throughout the State.

5. Maryland - The Law-Related Education Program for the Schools of Maryland (LREP) was established in February of 1975. Its purpose is to develop a law education program which would serve as a prototype in the State for teacher education and student involvement in curriculum implementation. The program was initially developed in Howard and Carroll Counties, with the ultimate goal of disseminating it throughout the State within five years. In the second year, the program moved to Anne Arundel County, and it is presently in Prince George's County.

The major source of funding for the program is the Maryland Governor's Commission on Law Enforcement and the Administration of Justice (the state LEAA agency), which contributed a grant of $69,603 for the program's first year. This amount was supplemented by a grant of $8,620 from the Maryland State Department of Education and a $5,000 grant from the Maryland State Bar Association.

The major category in the budget for the first year was personnel compensation and benefits. Over $30,000 was expended to compensate teachers and students for their involvement in the summer workshops; more than $25,000 was budgeted for the salary of the project coordinator and the full-time and part-time office secretaries; and $2,500 was used to pay for substitute teachers. The project used $6,000 to organize a law education library and purchase books and audio-visual materials which were used during both the teacher education and classroom implementation phases of the project.

6. Oklahoma - The statewide program in Oklahoma (the Oklahoma Law for Public School Use Project) developed largely through the efforts of Dr. Ira Eyster, an education professor at the University of Oklahoma. He had become interested in the program in Texas and other programs, through his work on human rights in Phi Delta Kappan. In 1973, a group which Dr. Eyster is associated with, the Southwest Oklahoma Center for Human Relations (which is a part of the University of Oklahoma), received a grant from the Oklahoma Crime Commission to run a statewide program of law-related education.

The program has conducted several summer seminars since its inception in 1973. The first seminar, conducted in July, 1973, was of three weeks duration and offered six hours graduate credit. The subsequent summer workshops were each two week seminars in which participants received four hours graduate credit through the College of Education, University of Oklahoma.

Appendix D -- Some Studies on Inadequate Knowledge of Law

Examples of studies documenting inadequate knowledge of law include:

(1) The Adult Functional Competency Study conducted by the University of Texas at Austin. This study examined adult functional competency in five general knowledge areas (occupational knowledge, consumer economics, government and law, health, and community resources) and four skill areas (reading, problem solving, computation, and writing). Only 1 knowledge area (consumer economics) and 2 skill areas (computation and problem-solving (the latter, a central objective of many law-related education projects)) had a higher percentage of adults at the lowest competency levels than the government and law area.

(2) A recent national survey of public attitudes towards the court system conducted by Yankelovich, Skelly and White, Inc. The survey showed that almost 2 of 5 persons believe a person is guilty until proved innocent. Only 1 of 4 persons expressed any knowledge of the court system. The Washington Post (p. A2, March 19, 1978).

(3) The second national assessment of citizenship and social studies administered by the National Assessment of Educational Progress showed that:

(a) 13 year olds' and 17 year olds' recognition and valuing of their constitutional rights declined slightly from earlier assessments given in 1969, 1970, or 1972. Examples of some questions on which lower than average performance occured: 13 year olds willing to allow someone who did not believe in God to hold a public office declined from 59% to 49%; those willing to allow a magazine or newspaper to publish criticism of an elected official increased from 49% to 54%. In 1976, 60% of 17 year olds supported the freedom of the press to publish mistakes of government officials (a decline of 8 percentage points); 75% were able to give a reason why libraries should be allowed to have books arguing against democracy (a decline of 6 percentage points).

(b) In the area of respect for others, overall results for 13 and 17 year olds showed a slight decline. While 13 year olds' understanding of the need for laws in this area increased by 18 percentage points, they declined by 17 percentage points in supporting freedom of peaceable assembly (from 71% to 54%).

17 years olds declined 5.9 percentage points in understanding the need for law in this area and 5.3 percentage points on reporting vandalism to police (From 70% to 64.7%).

(c) The percentage of students able to explain the basic concept of democracy went down significantly. Thirteen year olds' performance dropped 11 percentage points--from 53% to 42%--while that of 17 year olds declined 12 points--from 86% to 74%.

(d) Knowledge about the structure and function of government declined for both 13 and 17 year olds. 13 year olds' performance averaged 58% in 1976, a decline of 5 percentage points from the 1970 assessment. Seventeen year olds' performance declined 10 percentage points--from 64% to 54%--on items assessed in 1969 and 1976 and 5 percentage points--from 62% to 57%--on items assessed in 1972 and 1976. Almost half of the questions on the structure and function of government concerned provisions of the Constitution or judicial functions.

(e) Political participation by 17 years olds declined significantly between 1969 and 1976. On the 1976 tests, 57% had signed a petition, but only 15% had written a letter to a government official, and only 9% had participated in a public election campaign. These percentages compared to 63.6%, 22%, and 18%, respectively in 1969.

(National Assessment of Educational Progress, Education Commission of the States, Changes in Political Knowledge and Attitudes, 1969-76 (January, 1978)).

Appendix E--Memorandum on "Law-Related Education: A Crucial Component of American Education," submitted by the American Bar Association and Prepared by Many Leaders in the Field of Law-Related Education

AMERICAN BAR ASSOCIATION

SPECIAL COMMITTEE ON YOUTH EDUCATION FOR CITIZENSHIP

1155 EAST 60TH ST., CHICAGO, ILLINOIS 60637 TELEPHONE (312) 947-3960

March 24, 1978

Steven Winnick
Office of the General Counsel
Office of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Dear Steve:

Enclosed is a memorandum on "Law-Related Education: A Crucial Component of American Education" which reflects the collective thinking of many leaders in the field of law-related education. It is designed to provide you and members of the Study Group with our consensus on some of the major issues you are addressing. Attached is a list of those who contributed to the preparation of this document, many of whom will no doubt send you separate letters indicating their support of its ideas and recommendations.

Please feel free to contact any of us should you have any questions.

Best regards,

Norman Gross

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ASSISTANT STAFF DIRECTORS
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Lynda Falkenstein
Charlotte Anderson
ADMINISTRATIVE ASSISTANT
Jane M. Kogrowski

CONTRIBUTORS TO MEMORANDUM ON "LAW-RELATED EDUCATION: A CRUCIAL COMPONENT OF AMERICAN EDUCATION"

Lee Arbetman, Assistant Director, National Street Law Institute

R. Freeman Butts, William F. Russell Professor Emeritus, Teachers College, Columbia University

Todd Clark, Education Director, Constitutional Rights Foundation

Kathleen Cruikshank, Director, Wisconsin Law-Related Education Project

Travis Duncan, Assistant Director, Oklahoma Law Focused Curriculum Project

Ira Eyster, Director, Oklahoma Law Focused Curriculum Project

Norman Gross, Staff Director, American Bar Association Special Committee on Youth Education for Citizenship

Carter B. Hart, Jr., Social Studies Consultant, New Hampshire Department of Education

Carolyn Hartman, Assistant Director, Wyoming Law-Related Education Project

Dick Hsiek, Assistant Director, Oklahoma Law Focused Curriculum Project

Cynthia Kelly, Former Assistant Staff Director, American Bar Association Special Committee on Youth Education for Citizenship

James G. Lengel, Social Studies Consultant, Vermont State Department of Education

Timothy Little, Associate Professor, Michigan State University Law in the Social Studies Project

Vivian Monroe, Executive Director, Constitutional Rights Foundation

David Naylor, Executive Director, Cincinnati Center for Law-Related Education

Jason Newman, Director, National Street Law Institute

Edward O'Brien, Deputy Director, National Street Law Institute

Gerard W. Paradis, Director, Law-Related Education Program for the Schools of Maryland

Carol F. Plesser, Education Director, Law, Education and Participation Project (Philadelphia)

Dr. Robert C. Points, Director, Wyoming Law-Related Education Project

Charles N. Quigley, Executive Director, Law in a Free Society

Linda Riekes, Coordinator, Law and Education Project of the St. Louis Board of Education

David Schimmel, President, Massachusetts Association for Law-Related Education

Peter Senn, Director, Law in American Society Foundation

James P. Shaver, Professor, Utah State University College of Education

Warren Solomon, Director of Curriculum Dissemination, Missouri Department of Elementary and Secondary Education

Isidore Starr, Professor Emeritus, Queens College

Louise Stern, Project Assistant, Institute for Political/Legal Education

Mary Jane Turner, Program Coordinator, Colorado Legal Education Program

Dick Weintraub, Education Director, Constitutional Rights Foundation

David Whitney, Education Director, Correctional Service of Minnesota

LAW-RELATED EDUCATION: A CRUCIAL COMPONENT OF AMERICAN EDUCATION

Public education in the United States was conceived primarily to help our nation's citizens participate fully in our democratic society. This commitment is reflected in the mandates of all 50 states which require that elementary and secondary school students receive instruction in the principles of the United States Constitution or our nation's legal and governmental systems. Unfortunately, many studies show that traditional citizenship education has failed dismally in developing knowledgeable and active citizens.

Law-related education was established to revitalize this integral component of school instruction -- to replace vague abstractions with structured inquiry, to supplement broad generalizations with concrete applications, and to address forthrightly issues of vital concern to students, educators and the general public. This memorandum outlines the basic rationale and objectives of law-related education, recent developments and unmet needs in the field, and the federal government's possible role in promoting effective law-related education programs.

I. What is Law-Related Education?

Although law-related education resists simple definition or categorization, it can be generally described as those organized learning experiences that provide students and educators with opportunities to develop the knowledge and understanding, skills, attitudes and appreciations necessary to respond effectively to

the law and legal issues in our complex and changing society. There are as many law-related education projects as there are creative minds in the field. It is an area pluralistic in viewpoints and flexible in approach.

One school of law-related education focuses on street law -- the law which affects the daily lives of all people. The components of this approach consist of criminal law, juvenile law, consumer law, landlord-tenant law, family law, environmental law, etc. Another school is concerned mainly with the conceptual bases of law -- such ideas as liberty, justice, equality, property, power, authority, privacy, responsibility -- and the dynamics of how they interact in the real-life context of societal issues. A third school has built its program around student involvement in the criminal justice system or the legislative process: working with criminal justice personnel and using lobbying and other civic action techniques as a means of promoting citizen participation and fostering change.

The three approaches overlap in their curricular designs and in their teaching strategies. Each of these approaches includes as a part of the corpus of knowledge the Constitution of the United States and the federal Bill of Rights -- documents which are value-saturated and reservoirs of historic ideas and ideals. Each recognizes that because we all live in a network of legal relationships, legal literacy is an essential prerequisite if one is to function effectively as a citizen in private and public affairs. Each also makes extensive use of case studies illuminating conflicts between desirable values, reading materials calling for analysis and interpretation, field trips and interships

which provide a more realistic view of the justice system, and simulations which sharpen participatory skills and help students understand other points of view. All explore the central role of law in a democratic society.

II. What are the Objectives of Law-Related Education?

As in curricular design, the strength of the law-related education movement is that its objectives are neither monolithic nor static. Instead, we find here a legitimate questing for ways and means of achieving legal literacy without falling into the strait-jacket of an official perspective.

Paul Freund of Harvard Law School has designated three objectives for law-related education which have been widely accepted:

1. The learning of moral reasoning and ethical analysis by continued practice in reaching moral decisions and justifying them.
2. Developing an appreciation of the legal process and an understanding of the functions of the law.
3. Acquiring information about the law.

A perusal of the major law-related education projects discloses general agreement with these three objectives. As is to be expected in a field where a pluralistic approach is encouraged, some project directors emphasize appreciation and respect for the law, while others accentuate responsible citizenship and analytical and critical skills. Still others concentrate on coping with the legal relationships that characterize our daily lives. There is, of course, considerable overlapping of general aims and ojbectives. In general, however, law-related education requires students to grapple with such

great human equations as freedom versus security, individual rights versus the public good, order versus justice, and the many other competing values and concerns which have confronted humanity since the beginning of civilization. Grappling with these problems in their local and national dimensions contributes to the education of men and women who are capable of applying reflective thought and emotional sensitivity to the social, moral and ethical dilemmas of our time.

III. Recent Developments and Special Characteristics of the Movement.

The present movement in law-related education dates from the early 1960's when its primary focus was on providing more effective instruction in fundamental principles of our Constitution and Bill of Rights. The past fifteen years have seen a growing recognition of the need for law-related education and the emergence of a rich variety of law-related programs.

As a result, a broad base of support now exists for the reform of citizenship education through the inclusion of law-related studies. There are over 300 projects and thousands of individual schools in the country integrating law-related programs into the social studies as part of citizenship education programs and as separate elective courses. Educators can now choose from a wide selection of law-related materials, and teacher education institutes and coordinated statewide efforts have multiplied dramatically.

Most projects involve the combined effort of educators, lawyers and members of such community groups as state and local governmental and justice agencies and service organizations. Indeed, the active participation of non-educators is the hallmark

of the movement. These volunteers assume a variety of critical tasks. They help determine program policy, train teachers, conduct classroom instruction, arrange learning experiences outside the classroom, and plan and carry out numerous other program activities. In this regard, law-related programs are unique in the area of educational innovation in that the changes they bring to the schools are characterized by broad-based, coordinated community involvement.

We should emphasize that these contributions support and facilitate the central efforts of professional educators who direct most projects. This combination of educator expertise and community resource support is a major reason for the strength and vitality of the law-related education movement.

Another special feature of the law-related education movement is the complementary nature of many projects and the cooperation between projects in developing and implementing programs. This is to a significant extent the result of efforts of the American Bar Association's Special Committee on Youth Education for Citizenship, which has served as a national catalyst, clearinghouse and coordinator for groups initiating and developing law-related programs. It is common, for example, for bar associations and school systems, made aware of alternatives by the ABA, to combine programs from different projects or elements of such programs, to suit local needs. One also finds personnel from a number of prominent law-related educational projects working cooperatively with local personnel in the implementation of programs.

Another strength of the movement is that it does not impose

an additional burden on an already overcrowded curriculum. State and local legislation and policy throughout the nation already require instruction in the Constitution, Bill of Rights, and our legal/governmental system. Law-related education offers an opportunity to respond effectively and creatively to mandates in these traditional areas of school instruction, and teachers and students alike have responded enthusiastically to such programs.

IV. Future Needs in Law-Related Education.

Despite the significant progress of the law-related education movement during the recent past, the ABA estimates that only a small percentage of our nation's educators and students have thus far been exposed to meaningful instruction in law-related education. In addition, many exciting new directions in law-related education await creative development.

For example, much research emphasizes the determinative impact of the early years on a child's development. Yet relatively few programs have thus far been introduced in grades K-6, despite the potential of law-related education in the social studies curriculum (enriching students' understanding of life as individuals and in social groups), in language arts (building upon students' interest in law to promote the development of reading, writing, and articulation skills), and in general classroom discussions (examining the rule-making and rule-enforcing mechanisms of the classroom and school as a means of understanding the underlying values of rules, the limitations of and alternatives to rules, the difficulty of framing rules, and other fundamental concepts of law).

7/

There are further opportunities in secondary education. The overwhelming majority of current secondary programs concentrate on the Constitution and the Bill of Rights, criminal law, the rights and responsibilities of juveniles, and related areas. Few programs and materials explore the substantive and social dimensions of family law, property law, environmental law, tort law, or even our federal and state court systems. Though schools devote much attention to history courses, they infrequently explore the role of law in history. Nor have the schools examined the laws and legal systems of various cultures, though the subject could enrich courses in multi-ethnic studies and even foreign languages. Similarly, the study of international law would lend new insights to courses on global interdependence and the economics of the world order.

Exploring the rich links between law and the humanities also provides new possibilities. Law can serve to illuminate the study of literature, sociology, anthropology, and other disciplines. As noted earlier, the classic struggles between freedom and security, order and justice, and other competing interests often find their most challenging and forceful expression in the context of our laws and legal system. The limits of the law and alternative means of dispute resolution could be examined in all areas of law-related study, as could the morality, ethics, and values underlying the law and its operation.

In addition, little has thus far been done in introducing the rich study of law into the college curriculum or in community and adult education programs. Such efforts are particularly

8/

important since our nation's adult population has had few opportunities to benefit from recent efforts in law-related education.

V. Law-Related Instruction and Citizenship Education

Professor Hocking of Harvard once said that "to teach social studies without the law is like teaching vertebrate anatomy without the backbone." The same can be said of law's integral role in citizenship education.

America is perhaps the most law-oriented society in the history of civilization. As Alexis de Tocqueville remarked over one hundred years ago, "Scarcely any political question arises in the United States which is not resolved, sooner or later, into a judicial question." His observation is even truer today. Whether confronted with issues of public policy, the consumer marketplace, criminal justice, or everyday disputes, Americans more and more often turn to the law and legal procedures for the resolution of these issues. Moreover, the way we resolve disputes and the policies we write into law serve as a statement of our society's fundamental beliefs and values.

Law-related education thus provides a unifying focus and solid instructional framework for citizenship education. It cuts across all subject area boundaries rather than concentrating upon any particular topic, be it the environment, consumerism, or criminal justice. It facilitates understanding of all sides of an issue, rather than promoting a particular viewpoint. Through structured inquiry and innovative instruction, it deals with real-life situations, historical and contemporary, rather than empty abstractions.

In summary, law-related education is an essential and inextricable part of citizenship education. A citizenship education program lacking the rich substance and processes of the law, as well as its unique educational dimensions, simply cannot prepare students effectively for knowledgeable and responsible citizenship.

VI. Why Should the Federal Goverment Support Law-Related Education?

Citizenship education has long been one of the most fundamental responsibilities of our schools, and law-related education has demonstrated its effectiveness as a viable means of revitalizing this traditional component of school instruction. This fact alone would seem to warrant federal support for the law-related education movement. But there are other reasons as well.

We are living is an age of pervasive violence on the streets, in the skies and among nations. We are also living in a period of public corruption on the local, state and national levels. Growing cynicism among students and adults has been buttressed by feelings of helplessness. Among our youth, this cynicism and alienation has no doubt contributed to the alarming rise in juvenile crime. Further indications of this troubling sense of powerlessness was reflected in the recent National Assessment of Educational Progress results, which indicated that a very low percentage of 13 and 17 year olds believe they can have any influence even on decisions of local government. The result has been a growing lack of faith in democracy in general, and in our legal/political system in particular.

Moreover, the ordinary citizen's exposure to the law is often a negative and unrealistic one. For many people the law is

represented by police who stop them when they are driving a car or hanging out on a street corner; for others it is personified by the lawyers, judges and police on television who seldom show recognition of, much less respect for, the Constitution. This pervasive media depiction of the justice system often suggests that, in fact, ours is a system in which "might makes right." It leaves the impression of "instant justice" delivered in 30 or 60 minutes rather than through a deliberate process. Only a realistic knowledge of the law and its operation can overcome this image and thus help citizens function more effectively in our contemporary society.

Although the Constitution vests control over education with the states, it has long been recognized that states have limited resources to deal with the variety and multiplicity of educational needs. Various forms of federal assistance, therefore, are available to promote vocational training and careers, special educational opportunities for economically and educationally disadvantaged minorities, drug and alcohol abuse education, and many other programs.

Most funding for law-related education has come from the LEAA or its state affiliates, state and local bar associations, and a few private foundations such as Ford, Danforth, and the RFK Memorial. With the exception of NEH, there has been almost no support from the more traditional sources of funding for educational programs. Nevertheless, the interest in law-related programs has grown as has the demand of interested school systems for the services and materials of existing projects.

The lack of federal support and leadership is remarkable, particularly if one considers citizenship education to be a fundamental responsibility of schools in our society. Though law-related education has had a considerable impact in recent years, federal support is needed to give focus to the creativity and impetus of the movement and to provide the "critical mass" necessary to turn this burgeoning field into widespread programs providing our young people with well-balanced and effective citizenship education.

VII. How Should the Office of Education Support Law-Related Education?

There are a number of ways the Office of Education can and should support law-related education. Local educational agencies, bar associations, schools of education, law schools, and other non-profit organizations should be eligible for such support. The major activities should involve program dissemination and the development of new programs.

A. Program Dissemination

As this memorandum suggests, a variety of excellent programs are now active in law-related education, but limited funds have prevented their widespread dissemination. This has too often resulted in needless and wasteful duplication of effort. With school systems clamoring for help, there is an immediate need for funds to support the widespread dissemination of existing exemplary programs. Dissemination activities might include:

1. programs designed to acquaint educational, legal and community decision-makers with the rationale for

law-related education and the work of existing programs;

2. assistance in planning and conducting seminars, workshops, institutes and courses to provide educators and others with the knowledge and pedagogy necessary to teach law-related education effectively;
3. technical assistance to school districts, bar associations, and cooperating community groups to assist in developing and implementing programs;
4. assistance in identifying research and evaluation data pertinent to law-related curricula and programs;
5. evaluations of the effectiveness of such dissemination efforts.

B. Development and Implementation of New Programs

Seed funding should be provided on the state and local levels to insure the creation of new and innovative law-related education projects such as those discussed above. Criteria for these grants should be broadly defined to encourage creativity and a diversity of approaches to meet the various demands of communities with students of different backgrounds, capacities, and needs. Again, careful evaluation should be included as an essential ingredient of such programs.

These dissemination and developmental activities can be accomplished in a variety of ways:

A. Reordering Priorities of Existing Federal Programs

Many existing federal programs, with adequate appropriations, can legitimately support law-related education. Attached

is a memorandum identifying such legislation and appropriations as of March, 1976. By designating law-related education as an integral component within O.E.'s current program areas -- including both national discretionary grant programs (e.g., consumer, bilingual, and Indian education), and grant programs administered through the states (e.g., Titles IV B and C of the Elementary and Secondary Education Act and various provisions of the Emergency School Aid Act) -- as well in programs of other federal agencies, much can be accomplished without the need for additional funding. As the attached memorandum suggests, there are also many opportunities for inter-agency cooperation in supporting law-related education, a natural corollary to the broad-based nature of programs in this field.

B. Incorporating Law-Related Education into Pending Legislation

A unique opportunity exists at the present time since Congress is reviewing various educational legislation and appropriations. If such legislation is to remain basically in its current form, with important programmatic areas categorically earmarked for federal support, then law-related education should be listed as one of those priority programs. This could be accomplished through law-related education's specific inclusion within programs identified in the attached memorandum, and by making law-related education a significant component of the "Special Projects Act." Furthermore, if the new "Educational Quality Act" is to be part of the revised

14/

legislation, with programs specifically identified in the Act, then law-related education should be included as an important component of this legislation. An Office of Law-Related Education should be established to administer and monitor any categorical program established under the latter two acts.

C. Creation of a New O.E. Office of Law-Related Education

If law-related education does not receive priority in the legislation as discussed above, the Office of Education should still consider establishing a new Office of Law-Related Education to fund national dissemination and developmental programs. If such an effort requires new legislation, we would be available to help in its drafting. We request the guidance of members of the law-related study group and other federal representatives on this and any other legislation discussed in this memorandum.

The implementation of these measures would provide not only the financial stimulus for a continuing effort in the field, but also formally acknowledge law-related education as an important aspect of American schooling for citizenship.

Conclusion

As we approach the bicentennial of the drafting of the Constitution of the United States in 1987 and the bicentennial of the ratification of the Bill of Rights in 1891, we might well ask ourseleves: what role can educators play in preparing elementary and secondary students and educators, as well as the general public,

in developing an understanding of these historic events? What better way is there than for the U.S. Office of Education, in partnership with the educators, lawyers, justice officials and other community leaders in the law-related education field, to support projects designed to infuse law-related education throughout the school curriculum.

If ours is a government of laws and not of men, if we live under the rule of law, if ignorance of the law is no excuse, then a knowledge and understanding of the nature and uses of the law should be a necessary ingredient of the education of every citizen in this country. The federal government must become involved in this critical national effort.